



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9285 of 2023

Murugesan

... Petitioner/Accused

Vs

The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.
Crime No.51 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Sivaprakash.S,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.51 of 2023 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 30.03.2023 for the offences punishable under Section 379 IPC in Crime No.51 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner committed theft of 66 bundles of 2mm iron rod. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that this is the second application for bail and the earlier application was dismissed by this Court dated 21.04.2023 in Crl.O.P. (MD)No.7477 of 2023. The petitioner is in judicial custody from 30.03.2023 onwards, hence, he prayed for bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent raised objection stating that the petitioner's earlier



application for bail was dismissed by this Court on the ground that he is having number of previous cases. Investigation almost completed and the property was already recovered.

5. Considering the facts and circumstances of the case and also considering the period of incarceration and also the facts that the investigation almost completed and the property was already recovered, this court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (of which, one shall be a blood related surety) each for a like sum to the satisfaction of the learned Judicial Magistrate, Nilakottai District, and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police every Tuesday and Sunday at 10.30 A.M., for a period of three months and thereafter, as and when required for interrogation;

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

18/05/2023

/ TRUE COPY /

19/05/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



1 THE JUDICIAL MAGISTRATE
NILAKOTTAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, DINDUGAL DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL JAIL, DINDIGUL.

4 THE INSPECTOR OF POLICE
PATTIVEERANPATTI POLICE STATION,
DINDIGUL DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.9285 of 2023

Date :18/05/2023

SS/MMS/SAR-III/19.05.2023/ **3P/ 6C**